

Testimony of William Blind
To the House Committee on Resources
April 27, 2005

Chairman Pombo and members of the Resource Committee, I thank you for inviting me here today. I consider it a great honor and a privilege.

My name is William Blind, I am the vice-chairman of the 11,000-member Cheyenne and Arapaho Tribes of Oklahoma. I understand that the purpose of my testimony is to discuss the perceived problem of the Land Settlement Exception of Section 20 of the Indian Gaming Regulatory Act, or IGRA, and more specifically, situations where the land may be hundreds of miles away from the tribes' current reservation. I say that it is a "perceived problem" since in 17 years, it has never occurred. There has never been a single case of land being taken into trust under this rule.

Regardless, the Land Settlement Exception is an important part of IGRA because it acknowledges that some tribes may have genuine land claims due to unfortunate past treatment. This is important both historically and practically. The practical value of this rule is substantial and does not only benefit the tribes, which it obviously does, but it benefits everyone: states, taxpayers, business-owners, homeowners, schools, and even the federal government. All benefit. We offer New York as an example of how the Land Settlement Exception can work. There, the Land Settlement Exception may become an essential piece in solving a complex and expensive problem. With this tool, there is a quick, no-cost path to settle a land claim recognized by the Supreme Court. Without this tool, various alternate settlement proposals could hurt businesses and homeowners, the New York State budget, local budgets and, perhaps, the federal budget, as well as the Tribes the settlement is intended to help.

Additionally, the Land Settlement Exception is based on the American principle of fairness. Simply, it says that if you can prove that your land was unlawfully taken, we will treat settlement lands the same way as the original lands; to try to right an historic wrong. That's fair.

By no means is the Land Settlement Exception being abused or easy. As the numbers show, in 17 years, no one has achieved it yet. In practice, the Land Settlement Exception is a lot like the Section 20 two-part test, but with the extra requirement of getting explicit Congressional approval. That's to say that, in practice, we need to get local support, the Governor's approval, the Secretary of the Interior's approval and Congress' approval. In our case, we also had to get the support of the full Tribal Council of the Cheyenne and Arapaho Tribes of Oklahoma. I would like to submit into the record the Tribal Council Resolution which shows the overwhelming support given to the Homecoming Project. As far as I know, other than in New York, and as we proposed for Colorado, there are no other Tribes pursuing this very difficult path.

The Cheyenne and Arapaho Tribes of Oklahoma believe that the Homecoming Project is the model for how the Land Settlement Exception should work in practice- as a balance of interests. First, and this is very important, we believe that we have *unusually* strong legal claims relating to our history in Colorado. I would like to submit into the record a short history of the Cheyenne and Arapaho in Colorado. Recognizing the cost and time it takes to resolve these issues, we felt all parties would be best served if we proposed a settlement under the Land Settlement Exception. We offered a market-based, privately-funded, omnibus settlement that would have no cost to the federal government, no cost to the state government and no cost to the local communities. We offered an approach where we would closely coordinate with the State and local communities to mitigate any negative local impacts and maximize the positive impacts. In short, we proposed a solution that is fast, free, based on cooperation and good for everyone. The proposal was discussed in detail with all levels of federal and Colorado representatives, from Congress to the Governor, local officials and back over to the Department of Interior. Draft legislation was presented and discussed, and eventually unfortunately rejected through this process. The vast majority of people that have taken the time to understand our claims and our proposal have received it warmly. However, our experience illustrates that the Land Settlement Exception, as drafted, works very effectively to balance the interests of all parties and through debate and compromise.

I am aware of another speaker on the panel, here to speak out against our efforts. In the past, there has been some confusion on the part of some Senators, Congressmen and the press regarding his relationship to this project. Mr. Steve Brady is not a member of our tribe. He has no stake, whatsoever, in the status of our tribal claims or the claims of any individual member. While

he represents that he is an authority on the history of the Sand Creek Massacre, which may or may not be true, I believe he has no qualifications to speak on the matter of Section 20 of IGRA, nor on the matter of a Cheyenne and Arapaho economic development effort. In the past, Mr. Brady has attacked our project for utilizing non-natives in the development group. That is a deliberate misrepresentation. Our developer, the Native American Land Group, includes nearly 15,000 Native Americans. While it is true that the developer does have non-native participants, if it were a disqualifying factor, there would probably be no Indian economic development anywhere. The simple fact is that the government urges private businesses to assist in tribal economic development. Most tribes who do not already enjoy the benefits of Class III gaming do not have the resources or expertise necessary to pursue a project through the expensive, time-consuming process spelled out under IGRA.

This illustrates what we came here to discuss today. IGRA, as it stands, is a notable success for reducing Indian poverty. While I cannot speak to each aspect of the law, I can say from unsurpassed experience that the Land Settlement Exception, in practice, requires tremendous cooperation between federal, state, local and tribal governments. Clearly, with zero applications of this rule in 17 years, it is clearly not a run-away problem. However, it remains important as an acknowledgement of our sad history, a glimmer of hope for those seeking justice and as a practical tool for providing a no-cost device to settle lands claims, if and when they should arise. However, should you choose to amend IGRA, we say that basic fairness suggests that those who have filed with the Secretary be allowed to complete their undertakings according to the current rules.

We thank you for your time and interest in this matter.